

## **New Jersey Department of Environmental Protection WQMP Consistency Determination Fact Sheet**

### **Consistency Determination Reviews**

Under the New Jersey Water Quality Planning Act (at N.J.S.A. 58:11A-10) and the Statewide Water Quality Management Planning rules (at N.J.A.C. 7:15-3.1), the Commissioner of the Department of Environmental Protection (Department) cannot issue a permit or approval for a project or activity that is inconsistent with the Statewide or areawide Water Quality Management (WQM) plans. A consistency determination (CD) is the review conducted by the Department to determine whether or not a particular project or activity conflicts with the Statewide and areawide WQM Plans.

While all projects and activities requiring a Department permit or approval must not conflict with the Statewide or areawide WQM plans, not all projects or activities require a formal CD review. A formal CD review shall only be conducted by the Department and can only be issued upon receipt of a complete request for a CD review concurrently with a complete permit application.

CD reviews for projects requiring a Sewer Extension permit should be sent to the Bureau of Engineering North (Middlesex Co. and North) or Bureau of Engineering South (Mercer Co. and South) at 401 East State Street, 3<sup>rd</sup> floor, P.O. Box 029, Trenton, NJ 08625. CD reviews for projects requiring Waterfront Development and Coastal Area Facility Review Act permits should be sent to the Land Use Regulation Program, Bureau of Inland Regulation or Bureau of Coastal Regulation (as appropriate), 501 East State Street, P.O. Box 439, Trenton, NJ 08628. CD review requests for other types of projects should be sent to the Division of Watershed Management at 401 East State Street, 7<sup>th</sup> floor, P.O. Box 418, Trenton, NJ 08625. A CD Application Form can be downloaded from the Division of Watershed Management website at [www.state.nj.us/dep/watershedmgt](http://www.state.nj.us/dep/watershedmgt) or by contacting the Division of Watershed Management at the phone numbers listed below.

### **Formal CD Review Requirements**

The Department can only conduct a formal CD review concurrently with review of a complete permit application. The applicant must submit the following information in addition to the permit application requirements to receive a formal CD review:

1. Narrative description of the project, including county and municipality, lot and block, type of development or activity, acreage, total acreage of area to be disturbed, number of dwelling units or square footage if commercial, anticipated population, anticipated wastewater flow, existing and proposed treatment works (including owner and operator

of treatment works), and the location of discharge from the treatment works.

2. A United States Geological Survey quadrangle map and tax lot mapping showing the boundaries of the project site and discharge location at the 1:24,000 scale.
3. Drawings and/or plans that illustrate the description provided in (1) above. Site plans or subdivision plans should identify the property boundaries on the project site.
4. On a case-by-case basis, the Department may also require a description of potential water quality impacts and a site-specific pollution control plan.

Upon receipt of a complete permit application concurrently with a complete request for a CD review or CD application; the Department will conduct the formal CD review. Anyone intending to apply for a Department permit may request an informal CD review or a discussion of the project's consistency with WQM plans or the Water Quality Management Planning rules. Information provided by the Department in these informal reviews is for guidance purposes only and is not binding on the Department. Requests for these informal reviews should be submitted to the previously identified offices. The same information is required to be submitted for an informal CD review request as for a formal CD request except for the concurrent permit application.

### **CD Review Procedures**

In conducting a CD review, the Department will review the project against the following components of the areawide WQM plans: population forecasts, wastewater flow projections, availability of domestic treatment works (DTW), identification of appropriate DTW and service area, identification of appropriate project management agency, identification of areas suitable or unsuitable for development with consideration to environmentally sensitive areas, use of best management practices for pollution control (where required), other water quality based policies, goals, objectives, or recommendations (where applicable) and any requirements, conditions or performance standards adopted as part of a WQMP or amendment. The project will also be reviewed against the following components of the Statewide WQM Plan: the Rules (N.J.A.C. 7:15), Statewide and District sludge management plans, and sludge management rules.

After the CD review is completed, the Department will find the project to be either consistent, not addressed, or inconsistent. A project is consistent if it complies with the Rules and the applicable WQM plans. If the Rules and the WQM plans do not contain provisions regarding or precluding a project, then the project is "not addressed"; a finding of not addressed has the same effect as a

finding of consistent. For projects that are consistent or not addressed, the Department will either issue a written CD to the applicant or issue the permit. Issuance of a permit implies that the project is consistent or not addressed.

A finding of inconsistent means that the project conflicts with the Rules and/or the WQM plans. The Department will deny any permit or approval for a project that is found to be inconsistent and will notify the applicant in writing of the reasons for the finding of inconsistent. In order to resolve a finding of inconsistent, an applicant may either revise the project to conform with WQM plan and the Rules, request and obtain from the United States Environmental Protection Agency a grant waiver or mapping revision if applicable to the project area, apply for a WQM plan amendment (or revision if applicable), or appeal the Department's finding of inconsistent. Since consistency determination reviews are considered part of the permit review process, an appeal of a Department consistency determination must be pursued as an appeal of the permit decision, in accordance with the statutes and rules that govern the particular permit.

For additional information on the CD review process, please contact:

New Jersey Department of Environmental Protection  
Division of Watershed Management  
P.O. Box 418  
Trenton, New Jersey 08625-0418  
[www.state.nj.us/dep/watershedmgt](http://www.state.nj.us/dep/watershedmgt)

Or see the attached map and call the bureau responsible for the corresponding watershed management area (WMA):

Bureau of Northern Watershed Planning:	609-633-3812
(WMA 1, 2, 3, 4, 5, 6, 8 and parts of 7, 9, 10, 11 and 12)	
Bureau of Southern Watershed Planning:	609-984-6888
(WMA 13, 14, 15, 16, 17, 18, 19, 20 and parts of 7, 9, 10, 11, and 12)	

# ***New Jersey's Water Quality Management Planning Program Review Areas by Planning Bureau and Watershed Management Area***

## ***Northern Planning Bureau***

**609-633-3812**

### ***Ken Klipstein, Chief***

1. Upper Delaware River
2. Walkill, Pochuck, Papakating
3. Pompton, Pequannock, Wanaque, Ramapo
4. Lower Passaic, Saddle
5. Hackensack, Pascack, Hudson
6. Upper & Mid Passaic, Whippany, Rockaway
7. Arthur Kill – Hudson County only
8. North & South Branch Raritan
9. Lower Raritan, South River, Lawrence Brook - excluding Monmouth County
10. Millstone River – excluding Lawrence Twp and Monmouth County
11. Central Delaware Tributaries – Hunterdon County, Pennington Boro and Hopewell Twp only
12. Monmouth Watersheds – Middlesex County only

## ***Southern Planning Bureau***

**609-984-6888**

### ***Dave Rosenblatt, Chief***

7. Elizabeth, Rahway, Woodbridge, Arthur Kill excluding Hudson County
9. Lower Raritan – Monmouth County only
10. Millstone River - Lawrence Twp and Monmouth County only
11. Central Delaware Tributaries – Mercer County only excluding Pennington Boro and Hopewell Twp
12. Monmouth Watersheds – Monmouth and Ocean Counties only
13. Barnegat Bay Watersheds
14. Mullica, Wading River
15. Great Egg Harbor, Tuckahoe
16. Cape May Watersheds
17. Maurice, Salem, Cohansey
18. Lower Delaware Tributaries
19. Rancocas Creek
20. Crosswicks Creek

